

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Darwin C. McWilliams,

Case No. 3:08 CV 2204

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

Plaintiff Darwin McWilliams filed a Complaint (Doc. No. 1) against the Commissioner of Social Security seeking judicial review of the Commissioner's decision to deny Disability Insurance Benefits (DIB) and Supplemental Security Income benefits (SSI). This case was referred to United States Magistrate Judge Kenneth McHargh for a Report and Recommendation (R&R) in accordance with Local Rule 72.2(b)(2).

Following briefs on the merits from both parties, the Magistrate filed the R&R (Doc. No. 30) recommending the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. 405(g)¹ because the Magistrate found the Commissioner's decision that Plaintiff was not disabled unsupported by substantial evidence. Neither party objected to the R&R.

¹

Sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g), states: "the court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

Upon review, this Court finds the R&R to be well-founded and supported by the record. The Court therefore adopts the R&R in its entirety. Accordingly, this case is remanded to the Commissioner for further proceedings as described in the R&R.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 13, 2009